



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
REAL ESTATE APPRAISER COMMISSION
500 JAMES ROBERTSON PARKWAY, SUITE 620
NASHVILLE, TENNESSEE 37243
615-741-1831**

**February 11, 2008
Room 160, Davy Crockett Tower**

The Tennessee Real Estate Appraiser Commission met February 11, 2008, at 9:30 a.m. in Nashville, Tennessee, at the Davy Crockett Tower in Room 160. Chairman William R. Flowers, Jr. called the meeting to order, and the following business was transacted.

COMMISSION MEMBERS PRESENT

William R. Flowers, Jr.
Herbert Phillips
Marc Headden
John Bullington
Kenneth Woodford
Dr. Edward A. Baryla

COMMISSION MEMBERS ABSENT

Jason West
James E. Wade, Jr.

STAFF MEMBERS PRESENT

Nikole Avers, Administrative Director
Wayne Pugh, Staff Attorney
Angie Stephens, Administrative Assistant

ADOPT AGENDA

The Commission voted to adopt the agenda. Mr. Phillips made the motion to accept the agenda and it was seconded by Mr. Bullington. The motion carried unopposed.

MINUTES

The January 2008 minutes were reviewed. Mr. Headden made the motion to accept the minutes as written. It was seconded by Mr. Phillips. The motion carried unopposed.

GENERAL BUSINESS

Reconsideration of the Interpretation of Rules pertaining to Non-reciprocal Applicants

Ms. Avers requested reconsideration on the interpretation of the 2008 Rules regarding applicants from non-reciprocal states which had been discussed in the previous meeting. Per Guide Note 5 issued by the AQB, "The intent of the AQB is to allow current credential holders who are in good

standing within their jurisdictions to obtain reciprocal credentials, temporary practice permits, renewals of existing credentials, and an equivalent credential in another jurisdiction on or after January 1, 2008 without having to meet the 2008 AQB criteria. If an appraiser holds a valid appraiser credential supported by an AQB approved examination, the appraiser will be deemed by the AQB to be in full compliance with the 2008 criteria." Mr. Bullington made the recommendation that the Tennessee Real Estate Appraiser Commission adopt Guide Note 5 as the interpretation for applicants from other states. Mr. Phillips seconded that motion. The motion carried unopposed.

TREAC Policy Review

Ms. Avers presented the policy review to the Commission members of the current policies posted on the Real Estate Appraiser Commission website to be updated for 2008. This matter was discussed during the January Commission meeting, but one policy was deferred until verification from legal could be made that this policy was consistent with current 2008 rules.

A registered trainee who takes the licensed appraiser or certified residential real estate appraiser examination prior to receiving all of the experience required for the licensed appraiser or certified residential classification must be certified within twenty-four (24) months of the passing examination date.

Ms. Avers stated that this policy was unnecessary because it now covered by Rule 1255-1-.12 (5) (c). Mr. Bullington made the motion that the Commission remove this as a policy. Mr. Phillips seconded that motion. The motion carried unopposed.

Ms. Avers recommended adding an additional policy, which read as follows:

Licensees that gained licensure or certification by reciprocity, but have subsequently moved to Tennessee and establish residency shall meet all Tennessee required education, experience and examination requirements if they apply for upgrade of licensure/certification.

Mr. Phillips made the motion that the Commission adopt this as a policy. Mr. Headden seconded that motion. The motion carried unopposed.

Ms. Avers presented one other matter at this time, which legal counsel advised would need to be considered for a Rule change at a future time. The Commission members were told they could keep a copy of this definition of "Direct Supervision" and it could be addressed during the next Rule Making Hearing.

In accordance with **1255-1-.12 (1), (b) and (c)** "Direct Supervision" of a registered trainee means:

- (a) disclosing in the appraisal report that the supervising appraiser has inspected the subject property both inside and out, and has made an exterior inspection of all comparables relied upon in the appraisal or disclose that the supervising appraiser did not inspect the subject property both inside and out, and did not inspect the exterior of comparables relied upon in the appraisal; and
- (b) reviewing the registered trainee's appraisal report(s) to ensure research of general and specific data has been adequately conducted and properly reported, application of appraisal principles and methodologies has been properly applied, that any analysis is sound and adequately reported, and that any analysis, opinions, or conclusions are adequately developed and reported so that the appraisal report is not misleading; and
- (c) reviewing the registered trainee's work product and discussing with the appraiser

assistant any edits, corrections or modifications that need to be made to that work product; and

(d) accepting responsibility for the appraisal report by signing the appraisal report and certifying that the appraisal report has been prepared in compliance with the current edition of the Uniform Standards of Professional Appraisal Practice.

(e) make a clear and prominent disclosure of real property appraisal assistance in each appraisal report in accordance with Uniform Standards of Professional Appraisal Practice Standards Rule 2-2 and Standards Rule 2-3.

(f) ensure that the appraiser assistant gains sufficient knowledge, skills and abilities that will enable them to do all of the following:

(A) Define the appraisal problem.

(i) identify and locate the real estate;

(ii) identify the property rights to be valued;

(iii) identify the use of the appraisal

(iv) define value(s) to be estimated;

(v) establish date(s) of value estimate(s);

(vi) identify and describe the scope of the appraisal; and

(vii) identify and describe limiting conditions or limitations.

(B) Conduct preliminary analysis, select and collect applicable data.

(i) identify general data (regional, city and neighborhood) – social, economic, governmental and environmental factors;

(ii) identify specific data (subject and comparables) – site and improvement, cost and depreciation, income/expense and

capitalization rate, history of ownership and use of property; and

(iii) identify competitive supply and demand (the subject market) – inventory of competitive properties, sales and listings, vacancies and offerings, absorption rates, demand studies.

(C) Conduct an analysis of the subject property which includes:

(i) site/improvements;

(ii) size;

(iii) costs;

(iv) elements of comparison; and

(v) units of comparison.

(D) Conduct highest and best use analysis (specified in terms of use, time and market participants).

(i) land as if vacant and available; and

(ii) property as improved (existing or proposed).

(E) Estimate land value, including on-site improvements.

(F) Estimate value of the property using each of the three approaches to value – cost, sales comparison and income capitalization.

(G) Reconcile each value indication and reconcile the final value estimate.

(H) Report estimate(s) of value(s) as defined.

Education Committee Report

Dr. Edward Baryla stated that he recommended for approval all of the continuing education courses listed. He further stated that for Individual Course Approval he recommended the request by Thomas Patton for the Realetech courses be granted approval. He also recommended

approval for one hundred and twenty hours of qualifying education as part of the reconsideration request of Robert Curry due to the reconsideration of non-reciprocal applicants per Guide Note 5 that was approved earlier in the meeting. Dr. Baryla recommended approval of the continuing education course requested by William Parrish. Dr. Baryla also recommended approval of the qualifying education course requested by Albert Behnke. Mr. Headden made the motion to accept the recommendation and Mr. Woodford seconded that motion. The motion carried unopposed. The following are the courses and individual course approvals from the education report:

EDUCATION COMMITTEE REPORT
February 11, 2008

Provider Name	Course Number	Course Name	Course Instructors	Hrs.	Type
Appraisal Institute	1165	On-Line Apartment Appraisal: Concepts & Applications	Kenneth Foltz	14	CE-Online
ASFMRA	1166	Advanced Sales Confirmation & Analysis	Julie Young	8	CE
JVI Appraisal Division	1167	On-Line JVI Appraising Residential REO Properties	Ron Nation & Robert McKenna	6	CE-Online
NAIFA	1163	Institutional Fraud	Michael T. Orman	8	CE
NAIFA	1162	16.2 The Appraisal of Foreclosure Properties	Michael T. Orman	7	CE
Appraisal Institute	1168	REO Appraisal- Appraisal of Residential Property for Foreclosure and Pre-Foreclosure	Mark Smeltzer	7	CE

Appraisal Institute	1169	On-Line Residential Sales Comparison and Income Approach	Mark Rattermann	14	CE-Online
Appraisal Institute	1170	On-Line Marshall & Swift Commercial Cost Training	Kern Slucter	7	CE-Online
Appraisal Institute	1171	Appraisal Challenges: Declining Markets and Sales Concessions	Mark Rattermann	7	CE
Appraisal Institute Memphis Chapter	1173	What Clients would like their Appraisers to Know	George Mann	7	CE
ASFMRA	1172	Income Approach	Jim Cannon	8	CE
McKissock Inc.	1174	On-line-Even Odder: More Oddball Appraisals	Daniel Bradley	7	CE-Online

Individual Course Approval

Name	License #	Course Provider	Course Name	Hrs.	Type
Thomas Patton	Approval to become trainee	Realetech	USPAP	15	QE
Thomas Patton	Approval to become trainee	Realetech	R-2 Valuation Principles and Procedures	30	QE
Thomas Patton	Approval to become trainee	Realetech	R-3 Applied Residential Property Valuation	15	QE
Thomas Patton	Approval to become trainee	Realetech	R-1 Introduction to Real Estate Appraisal	30	QE
Robert Curry	Previously met with Commission	January Meeting		120	QE

William Parrish	830	Appraisal Institute	Evaluating Commercial Construction	16	CE
Albert John Behnke	2724	CCIM Institute	Financial Analysis for Commercial Investment	36	QE

Experience Interviews

Josh A. Gouge, made application to upgrade from registered trainee to certified general appraiser. Mr. Headden and Mr. Flowers were the reviewers and recommended approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

Allen T. Sledge, made application to upgrade from registered trainee to certified general appraiser. Mr. Phillips was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Michael L. Ketron, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Headden was the reviewer and stated that he had found some errors in Mr. Ketron's reports. He recommended that the applicant send in three additional appraisal reports; one income producing residential property appraisal and two single family residential appraisal reports. He stated that if the appraisals were found to be satisfactory, no second experience interview would be required. Mr. Woodford made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Mitchel S. Brown, made application to upgrade from registered trainee to certified residential appraiser. Mr. Headden was the reviewer and recommended approval. Mr. Woodford made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Stephen E. Wood, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Headden was the reviewer and recommended approval. Mr. Woodford made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Lisa Crutchfield, made application to upgrade from registered trainee to certified residential appraiser. Mr. Headden was the reviewer and recommended approval. Mr. Woodford made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Scott C. Taylor, made application to upgrade from certified residential appraiser to certified general appraiser. Mr. Phillips was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Debra B. Lindkvist, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Phillips was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Donald B. Raines, made application to upgrade from registered trainee to certified residential appraiser. Mr. Phillips was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Christopher G. Jackson, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Phillips was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Debra Fox, made application to upgrade from registered trainee to certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

David L. Prymak, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

David E. Ferguson, made application to upgrade from a registered trainee to certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

Scott L. Payne, made application to upgrade from registered trainee to certified residential appraiser. Mr. Headden was the reviewer and stated that he had found some reporting deficiencies in Mr. Payne's reports. He recommended that the applicant complete a thirty (30) hour report writing course and then be granted approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

Roy H. "Butch" Truan, III, made application to upgrade from a registered trainee to certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Phillips made the motion to accept the recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

Crystalyn J. Jontz, made application to upgrade from a licensed appraiser to certified residential appraiser. Mr. Woodford was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Terrell H. Smith, made application to upgrade from a licensed appraiser to certified residential appraiser. Mr. Woodford was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Harold Gene Carman, Jr., made application to upgrade from a certified residential appraiser to certified general appraiser. Mr. Woodford was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Kenneth A. Boykin, made application to upgrade from registered trainee to certified residential appraiser. Mr. Woodford was the reviewer and stated that he had found some errors in Mr. Boykin's reports. He recommended that the Commission not approve this applicant at this time. He requested that Mr. Boykin send in three additional appraisal reports; two income producing residential property appraisal reports and one single family residential appraisal report. He stated that if the appraisals were found to be satisfactory, no second experience interview would be required. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

William Keith Boykin, made application to upgrade from registered trainee to certified residential appraiser. Mr. Bullington was the reviewer and stated that Mr. Boykin could not illustrate the expertise necessary for approval at this time. He recommended that the Commission not approve this applicant at this time. He requested that Mr. Boykin send in three additional appraisal reports; one income producing residential property appraisal report and two single family residential appraisal reports. He stated that if the appraisals were found to be satisfactory, no second experience interview would be required. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Curtis B. Ashton, made application to upgrade from registered trainee to certified residential appraiser. Mr. Bullington was the reviewer and stated that Mr. Ashton should not be approved at this time. He requested that Mr. Ashton send in three additional appraisal reports; one income producing residential property appraisal report and two single family residential appraisal reports. He stated that if the appraisals were found to be satisfactory, no second experience interview would be required. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Michael A. Swift, made application to upgrade from licensed appraiser to certified residential appraiser. Mr. Bullington was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Joel F. Pipkin, Jr., made application to upgrade from registered trainee to certified residential appraiser. Mr. Bullington was the reviewer and stated that Mr. Pipkin should not be approved at this time. He requested that Mr. Pipkin send in three additional appraisal reports; one income producing residential property appraisal report and two single family residential appraisal reports. He stated that if the appraisals were found to be satisfactory, no second experience interview

would be required. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Stacey D. O'Neal, made application to upgrade from registered trainee to certified residential appraiser. Mr. Bullington was the reviewer and stated that Ms. O'Neal should not be approved at this time. He requested that Ms. O'Neal send in three additional appraisal reports; one income producing residential property appraisal report and two single family residential appraisal reports. He stated that if the appraisals were found to be satisfactory, no second experience interview would be required. Mr. Bullington also stated he wanted to discuss with the Administrative Staff the possibility of sending a letter to her supervisor or other possible actions. Mr. Headden made the motion to accept the recommendation and Mr. Phillips seconded the motion. The motion carried unopposed.

Distance Education Consideration – George Harrison – Columbia Institute

Mr. Harrison, of Columbia Institute, had sent in a letter to the Real Estate Appraiser Commission to request consideration for approval of distance education for qualifying education for real estate appraiser candidates. He began the discussion with a background of his history as an educator and some of his misconceptions of distance education. He discussed the present methods of distance education and States in the immediate area of Tennessee that do approve distance education. He spoke of advantages of on-line learning such as that classroom teaching has not been proved to be superior to the on-line format in studies conducted, that administrators can manage the quality and content of the on-line courses, that there are no student disruptions while taking an on-line course, and that the format is self paced for the individual. He further discussed that on-line course content can be saved and reviewed later by the student, that the course is self contained and can easily be incorporated to include viewing websites during the lesson, that the courses can be less expensive for the students, and that the on-line class size is unlimited. He also stated that due to the increased education requirements for qualifying education that became effective January 1, 2008, that he believed that in-classroom qualifying education courses may be harder for students to find. He stated the reasons for fewer in-classroom courses would be that fewer providers had gotten courses approved on the new education matrix and also fewer students would likely be registering for classes, which may cause the providers to cancel more of these in-classroom courses. He said in an on-line classroom there would be no need to cancel a course and the student could begin the process at any time. He also stated this would further benefit the applicants because they could get the three required courses to become a registered trainee completed more quickly so that they could begin working sooner with a supervisor gaining experience. He also discussed with Commission members the various pros and cons of in-classroom interaction with other students and appraisers. Mr. Harrison also addressed the concerns about cheating on the exam and explained the proctored exam process and how some other states have requirements for the Commission or Board to pre-approval all proctors. The Commission thanked Mr. Harrison for the information and that they would consider this information for possible future approval of distance qualifying education.

LEGAL REPORT

Wayne Pugh, General Counsel, announced that the Real Estate Appraiser Commission should have a new attorney assigned to their program by the next meeting.

L07-APP-RBS-2007088451 Mr. Wade to be the Reviewer

The Complainant, Fannie Mae, sent in an appraisal review of the Respondent's 2006 appraisal which stated that the Respondent misreported neighborhood information, failed to report property characteristics, used inappropriate comparables and over-valued the subject property.

The Respondent stated in his response letter that there were considerable errors made in the report and the points made by the reviewer were valid. He stated he believed this occurred because he merged several appraisal reports. He further stated he could not find that this had happened on other files. He stated the sketch does not match the home, the location map has different comparable addresses and the invoice has difference names than listed. He also stated the photo clearly shows the house is not made of brick and wood. He stated he will be implementing a better quality control process and will cooperate with the Commission fully in resolution of this matter.

The Respondent's license in Alabama expired 9/30/2006. His license in Georgia expired 10/31/2007. In addition, his license was suspended in Georgia, which Respondent stated this was on account of failure to pay child support. The Respondent has no other appraiser's licenses noted on the Federal Registry.

Prior Complaint / Disciplinary History: 200316913 (Dismissed)

Recommendation and reasoning: Staff recommends approval of a consent order to be determined by a reviewing Commission member and authorization for formal hearing, if needed.

Vote: Mr. Phillips made a motion to have the complaint sent to Commissioner Wade for review. Mr. Bullington seconded that motion. The motion carried unopposed.

2. L07-APP-RBS-2007089851 Mr. Woodford is the Reviewer

The Complainant, a consumer, alleged the Respondent under-valued a residential property because he misreported the contract price. The Complainant stated that, "The original offer for the property was \$215,000, but the final sales price was \$219,900. The mortgage company did not call Respondent to do the appraisal until one week before closing. Respondent did the appraisal on Thursday, July 19th. On Tuesday July 24th, 3 days before closing, I was notified by the buyer's agent that the appraisal had come back at \$215,000. When I read the appraisal, it stated in 3 places that the "contract price" was \$215,000. I immediately thought that was the problem since the comps would have given me the \$219,900 with no problem. According to the mortgage company they contacted "Respondent" and he held the appraisal at \$215,000 even though it was improperly documented in the appraisal. I worked it out with the buyer so that the closing could go through on time, but I called (Respondent) to discuss the issue with him. He could only say so much due to client confidentiality, but I got the distinct impression that he had been misinformed by the mortgage company about the price of the house. I filed a complaint against the mortgage company, but the response is empty because of client confidentiality. I do not believe it is the fault of the appraiser, but I'm left with no other choice at this point than to file a complaint in hopes of getting necessary facts. If this is going to continue to be a client confidentiality issue then maybe I should just file a lawsuit. Please advise."

The Respondent stated that, "I reported the sales price of this property in my appraisal as \$215,000 which is the sales price on the contract I was supplied by the mortgage company for this assignment. I was made aware by the mortgage company that the purchase price had been negotiated to \$219,900 **after** the appraisal was submitted and reviewed at the mortgage company, not before. I was not supplied any information indicating that the purchase price was different than \$215,000 prior to completing the assignment. The copy of the appraisal I have submitted contains 5 sales, the additional 4th-5th comparables were added at the request of the mortgage company, subsequent to submission of the original. The original appraisal contained sales 1-3 only, no changes to the value estimate (or otherwise) were made other than the addition of the 2 additional comparables and addition of sales 4-5 to the map and photo pages. I believe the appraisal is accurate and reflects current market value for this property; my value estimate was not influenced by the purchase agreement although I do believe the sales price at \$215,000 is in step with the current market conditions in the area as my appraisal should indicate."

Prior Complaint / Disciplinary History: None

Recommendation and reasoning: Mr. Woodford states that he concurs with the general scope of the appraisal not the conclusions as presented. The appraiser committed a substantial error in date reporting concerning the sale properties as features were omitted that would significantly affect the credibility of the results (Standard Rule 1-1(b)). The failure to recognize seller concessions and consider the affect on value in comparison to cash or financing arrangements equivalent to cash is an omission that affects the credibility of the appraisal (Standard Rule 1-2(c)). The degree of sales analysis, verification and recognition of characteristics falls short of credible work (Standard Rule 1-4(a)). The failure to report and consider items of condition differences, financing differences and swimming pools is considered misleading (Standard Rule 2-1(a)).

Mr. Woodford recommends a civil penalty of \$1,500 and completion of a 15 hours USPAP course and a residential course or seminar of at least 4 hours dealing with residential report writing.

Vote: Mr. Woodford stated that the above summary did not match the complaint for the recommendation. Mr. Bullington recommended deferring this complaint until the complaint content could be confirmed. Mr. Headden seconded that motion. The motion carried unopposed.

3. L08-APP-RBS-2008003281

The Complainant, a mortgage lender, stated that the Respondent has been harassing them since October of 2007 for payment of \$4,600 in past due appraisal invoices. They stated that all appraisers are to collect appraisal fees from the broker that requested the appraisal. They stated that the broker that requested the appraisals was an independent contractor through their company and he was terminated on August 14, 2007 because of non-compliance. They stated they do not feel they are obligated to pay the appraisal fees because they did not give permission for those appraisals to be completed.

The Respondent stated that the mortgage company has refused to pay for appraisal services rendered to them by him. He stated he was employed in writing by them and they were the client, not the individual mortgage broker, who apparently left the company with the appraisal fees in hand. He stated he is seeking legal action against them and intends to file a complaint with the

Department of Financial Institutions. He stated he began pushing harder for payment when the invoices were 30-60 days past due. He requested that the Commission dismiss this complaint.

Prior Complaint / Disciplinary History: None

Recommendation and reasoning: Dismiss. The Commission does not have jurisdiction for the allegations contained in the complaint.

Vote: Mr. Headden made a motion to dismiss this complaint. Mr. Bullington seconded the motion. The motion carried unopposed.

4. L08-APP-RBS-2008003371

The Complainant, a licensed practitioner, alleges that the Respondent appraised his home and is not a licensed or certified appraiser in Tennessee.

The Respondent stated that Complainant solicited her services in a request for a Home Market Evaluation. She sent him a list of recently sold properties. She stated that it clearly states that, "The market analysis below is not an opinion of value or appraisal: rather it is an estimate of the recommended listing price range of your home. This is not an appraisal."

Prior Complaint / Disciplinary History: None

Recommendation and reasoning: The above statements were included in the "Home Market Evaluation," but the final paragraph of the evaluation reads, "Based on my knowledge of your area, my estimate of your home's current **market value** is: Low of \$174,000 to a High of \$219,500. Based on this sentence and previous actions taken in similar complaints, staff recommends a letter of warning pertaining to the use of "market value" which is contrary to 62-39-104 which reads, "This opinion as to the listing price or the purchase price shall not be referred to as an appraisal and no opinion shall be rendered as to the **value** of the real estate or real property" and 62-39-102 (3) "Appraisal" means a written or oral statement independently and impartially prepared by a state-licensed or state-certified appraiser setting forth an opinion as to the **market value** of an adequately described property as of a specific date(s), supported by the presentation and analysis of relevant market information prepared in conformity with the uniform standards of professional appraisal practice."

Vote: Mr. Phillips made the motion to accept recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

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Being no further business, the meeting was adjourned at 2:40 p.m.

Nikole Avers, Administrative Director

William R. Flowers, Jr., Chairman